

Exhibit 7

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SYNGENTA CROP) Civil Action No.
PROTECTION, LLC)
Plaintiff) 1:15-cv-274
vs.)
WILLOWOOD, LLC,)
WILLOWOOD USA, LLC,)
WILLOWOOD AZOXYSTROBIN, LLC)
and WILLOWOOD LIMITED)
Defendants)

- ATTORNEYS' EYES ONLY -

Videotaped Deposition of Vijay Mundhra

Washington, D.C.

August 23, 2016

10:38 a.m.

Reported by: Bonnie L. Russo

Job No. 2351718

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q. Let's talk about Willowood Limited's
sale of azoxystrobin to Willowood U.S.A.

The first sales and shipments of
azoxystrobin technical were made when?

A. Probably -- again, I cannot clearly
remember. But end of '14 or early '15.

Q. Willowood was importing azoxystrobin
to the United States in June and July of 2014,
correct?

A. Could be so. As I said, I cannot
clearly remember this.

Q. Are you aware of the -- the term
"campaign" being used at either Willowood
U.S.A. or Willowood Limited to refer to the

1 production of azoxystrobin?

2 A. I understand -- understand the term
3 "campaign."

4 Q. Okay. What does that mean at
5 Willowood?

6 A. To my understanding, it means that,
7 if you're to carry out a production campaign,
8 that sort, you know, of relates to.

9 Q. And Willowood was embarking on a
10 production campaign in June and July of 2014,
11 correct?

12 A. Could be so.

13 Q. In fact, Willowood was scrambling to
14 get product, azoxystrobin technical, into the
15 United States in June and July of 2014,
16 correct?

17 MR. TILLER: Objection.

18 THE WITNESS: If -- I mean I -- I
19 really cannot remember all -- all the events.

20 BY MR. SANTHANAM:

21 Q. Are you aware of Agraform and
22 what --

1 A. Yes.

2 Q. -- they do?

3 A. I know them.

4 Q. Agraform formulates azoxystrobin
5 technical to end-use products in the U.S.,
6 correct?

7 A. Yes.

8 Q. Agraform is what is called a toll
9 manufacturer?

10 A. That's my understanding.

11 Q. What's your understanding of a toll
12 manufacturer?

13 A. Somebody who contractually carries
14 out a manufacturing process based on a
15 third-party CSF.

16 Q. What is a CSF?

17 A. A confidential formula.

18 Q. Statement of formula?

19 A. State -- statement of formula, yeah.

20 Q. And Agraform, as a toll
21 manufacturer, has what are called tolling
22 slots?

1 A. Yes.

2 Q. What's your understanding of a
3 tolling slot?

4 A. That each manufacturer's --
5 tolling -- toll -- toll manufacturer commits
6 their production facility to certain entities
7 to produce the mutually agreed products on
8 their behalf.

9 Q. If Willowood misses Agraform's
10 tolling slot, what's the consequence?

11 A. Could have to forego that campaign
12 and wait for the next available tolling slot.

13 THE REPORTER: Wait for the next?

14 THE WITNESS: Available tolling
15 slot.

16 MR. SANTHANAM: I'm handing you --
17 or handing the court reporter a document to be
18 marked as Exhibit 78.

19 (Deposition Exhibit No. 78 was
20 marked for identification.)

21 MR. SANTHANAM: For the record,
22 Exhibit 78 is consecutively Bates labelled

1 WW3071 to WW3074.

2 BY MR. SANTHANAM:

3 Q. Mr. Mundhra, if you could look at
4 the first page.

5 A. Yes.

6 Q. There's an e-mail from Brian Heinze
7 dated June 24th, 2014, to a number of
8 individuals, including SSJ, and copying you.

9 Do you see that?

10 A. Yes.

11 Q. And in the e-mail, Mr. Heinze, as of
12 June 24, 2014, says to SSJ: "The final 15 MT
13 needs to ship by July 2nd."

14 Do you understand MT to be metric
15 tons?

16 A. Yes.

17 Q. "We cannot afford to have the toll
18 manufacturer not have the technical to continue
19 the campaign. If that happens, they will clean
20 out the system, and we will not be able to
21 produce the entire quantity needed for the
22 season."

1 Do you see that?

2 A. Yes, I do.

3 Q. Your understanding was that, as of
4 June 24th, 2014, Willowood Limited was trying
5 to make and meet Agraform's tolling deadline,
6 which was July 2nd, 2014, correct?

7 A. Yes.

8 Q. And if Willowood missed Agraform's
9 July 2nd, 2014, tolling deadline, that would
10 have prevented them from going forward on their
11 campaign, correct?

12 A. Actually, that's not right. I think
13 what it suggests is that July 2nd is a shipment
14 date, not the tolling date. So there is that
15 transit time associated with any shipment. And
16 obviously the tolling date would be somewhere
17 later than this.

18 Q. So there was a tolling deadline for
19 Agraform that was sometime shortly after July
20 2nd, correct?

21 MR. TILLER: Objection.

22 THE WITNESS: I -- I cannot really

1 guess that.

2 BY MR. SANTHANAM:

3 Q. But suffice it --

4 A. That -- that is Mr. Brian Heinze's
5 role. I -- I cannot remember that. But this
6 clearly suggests that this is the shipping
7 date.

8 Q. And according to Mr. Heinze, the
9 shipment needs to be made by July 2nd to make
10 the tolling deadline.

11 A. That's right.

12 Q. Willowood was striving to meet the
13 tolling deadline.

14 A. That's the objective here.

15 Q. And Mr. Heinze is the one at
16 Willowood U.S.A. that would manage meeting the
17 -- the tolling deadlines, et cetera, correct?

18 A. Yes.

19 Q. And you trust his judgment on
20 meeting the tolling deadlines, correct?

21 A. Yes.

22 Q. And if Willowood had not provided

1 azoxystrobin technical to the United States
2 by -- to meet the July 2nd shipment date, it
3 would have missed its campaign.

4 A. That's the implied meaning.

5 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

13 (Deposition Exhibit No. 79 was
14 marked for identification.)

15 MR. SANTHANAM: And for the record,
16 Exhibit 79 is consecutively Bates labeled
17 WW8930 to 8939.

18 BY MR. SANTHANAM:

19 Q. Mr. Mundhra, there's an e-mail from
20 you dated November 16th, 2014 to Brian Heinze
21 and others spanning the first two pages.

22 Do you see that?

1 A. Yes.

2 Q. Can you read that e-mail to yourself
3 silently. I have a question for you on that
4 e-mail.

5 A. Yeah, I've read it.

6 Q. If you look at page WW8931.

7 A. Yes.

8 Q. At the bottom of your e-mail,
9 second-to-last sentence, it says: "If at all
10 Agraform does not formulate this for us, I do
11 not believe that there is no other formulator
12 in all of U.S.A. that cannot formulate this
13 product when the main season starts in March.
14 The only reason why we are importing early is
15 because Agraform chooses to provide a
16 production slot three months earlier than what
17 we need."

18 Do you see that?

19 A. Yes.

20 Q. Can you explain what you meant by
21 that?

22 A. I think what's meant here is that

1 shipping the products much earlier ties in
2 working capital. And probably this discussion
3 was about trying to ship in time so as to --
4 not much storage of the product happens and so
5 that the working capital is not tied up for a
6 longer period.

7 THE REPORTER: I'm sorry. Capital
8 is not what?

9 THE WITNESS: Working capital.

10 BY MR. SANTHANAM:

11 Q. It is your view that, as of November
12 16th, 2014, that if the tolling slot for
13 Agraform was not met, that there wouldn't be
14 any other formulator you could use to meet your
15 March --

16 A. That was just a general observation.
17 I did not know for sure whether or not.

18 Q. That was your belief at the time?

19 A. Uh-huh.

20 Q. That's "yes"?

21 A. Yes.

22 Q. And Willowood Limited was trying to

meet a tolling deadline to meet the main season
that starts in March of 2015; is that right?

A. Yes.

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1 e-mails on the first page, and let me know when
2 you're done.

3 A. Yeah, I've seen the first page.

4 Q. The e-mails are between you and
5 Brian Heinze as well as Joe Middione and Andy
6 King of Willowood U.S.A., correct?

7 A. Yes.

8 Q. Referring to a fall azoxy run?
9 Do you see that?

10 A. Yes.

11 Q. Your understanding is that that's
12 the fall azoxystrobin campaign?

13 A. Yes, I do.

14 Q. That's a "yes"?

15 A. Yes.

16 Q. And Mr. Heinze informed you that
17 shipments need to be made to Agraform by the
18 end of October 2015 or Willowood would not be
19 able to sell its azoxystrobin products in time
20 in December, correct?

21 A. Yes.

22 Q. There was a tolling deadline for

1 Agraform in October of 2015; is that right?

2 A. That -- that suggests so, yes.

3 Q. That's what Mr. Heinze was telling
4 you?

5 A. It suggests so, yes.

6 Q. And that is, again, Mr. Heinze's job
7 responsibilities, correct?

8 A. Yes.

9 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
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